

CONNELL FOLEY LLP

ATTORNEYS AT LAW

LIBERTY VIEW
457 HADDONFIELD ROAD, SUITE 230
CHERRY HILL, NJ 08002
(856) 317-7100
FAX: (856) 317-7117

OTHER OFFICES

85 LIVINGSTON AVENUE
ROSELAND, NJ
07068-3702
(973) 535-0500
FAX: (973) 535-9217

888 SEVENTH AVENUE
9TH FLOOR
NEW YORK, NY 10106
(212) 307-3700
FAX: (212) 262-0050

THE ATRIUM, SUITE E
309 MORRIS AVENUE
SPRING LAKE, NJ 07762
(732) 449-1440
FAX: (732) 449-0934

HARBORSIDE FINANCIAL
CENTER
2510 PLAZA FIVE
JERSEY CITY, NJ 07311
(201) 521-1000
FAX: (201) 521-0100

1500 MARKET STREET
12TH FLOOR,
EAST TOWER
PHILADELPHIA, PA
19102
(215) 246-3403
FAX: (215) 665-5727

COUNSEL

JOHN W. BISSELL
EUGENE J. CODEY, JR.
FRANCIS J. ORLANDO
FRANCIS E. SCHILLER*
EUGENE P. SQUEO*
BRIAN P. MORRISSEY*
NOEL D. HUMPHREYS*
ANTHONY ROMANO II*

DOUGLAS J. SHORT*
JAMES M. MERENDINO
MICHELE T. TANTALLA*
HECTOR D. RUIZ*
ROBERT A. VERDIBELLO*
JENNIFER C. CRITCHLEY*
PATRICK S. BRANNIGAN*
CHRISTINE I. GANNON*
PHILIP W. ALLOGRIMENTO III*
LAURIE B. KACHONICK*
ANDREW C. SAYLES*
STEPHEN D. KESSLER
CHRISTOPHER ABATEMARCO*
ANTHONY J. CORINO*
INGRID E. DA COSTA
WILLIAM D. DEVEAU*
MEGHAN BARRETT BURKE*
RUKHSANAH L. SINGH*
BRITTANY E. MIANO*
STACIE L. POWERS*
NICOLE B. DORY*
MICHAEL BOJBASA-
CHRISTOPHER M. HEMRICK*
SUSAN KWIATKOWSKI*
MELISSA D. LOPEZ
ANDREW L. BARON*
JASON D. FALK*

KARIN I. SPALDING*
JODI ANNE HUDSON*
RICHARD A. JAGEN
JASON E. MARX*
ALEXIS E. LAZZARA
JENNA A. CONRAD+
SHANNON L. KEM
DANIEL B. KESSLER*

MICHAEL J. SHORTT+
VICTORIA N. MANOUSHAGIAN-
PATRICK J. MURPHY, III*
MEGHAN K. MUSSO*
BRENDAN W. CARROLL*
ELEONORE OPOSU-ANTWI*
EDMUND J. CAULFIELD*
SYDNEY J. DARLING*
JESSICA L. PALMER*
NEIL V. SHAH*
STEPHEN R. TURANO*
STEVEN A. KROLL*
ROBERT M. DIPISA*
MATTHEW A. BAKER+
MICHAEL J. CREEGAN*
THOMAS M. BLEWITT, JR.+
BRIAN S. WOLFSON
SONYA B. COLE*
MARY F. HURLEY
DANIELLE M. NOVAK+
KATELYN O'REILLY
JAMES E. FIGLIOZZI-
MATTHEW D. FIELDING
MELISSA L. HIRSCH+
MARIEL L. BELANGER*
NICHOLAS W. URCUOLI

JOHN A. PINDAR (1969)
GEORGE W. CONNELL (2005)
ADRIAN M. FOLEY, JR.
GEORGE J. KENNY*
KENNETH F. KUNZMAN
SAMUEL D. LORD
RICHARD D. CATENACCI
RICHARD J. BADOLATO*
PETER D. MANAHAN
JOHN B. MURRAY
MARK L. FLEDER
KEVIN J. COAKLEY
THOMAS S. COSMA
KATHLEEN S. MURPHY
PATRICK J. MCAULEY
PETER J. PIZZI*
KEVIN R. GARDNER
ROBERT E. RYAN
MICHAEL X. MCBRIDE*
JEFFREY W. MORYAN*
EDWARD S. WARDELL
PETER J. SMITH*
WILLIAM P. KRAUSS
BRIAN G. STELLER
PHILIP F. MCGOVERN, JR.
KAREN PAINTER RANDALL
LIZA M. WALSH
JOHN P. LACEY
MICHAEL J. CROWLEY-
TIMOTHY E. CORRISTON*

PATRICK J. HUGHES**
JAMES C. MCCANN*
JOHN D. CROMIE
ANGELA A. IUSO*
WILLIAM T. MCGLOIN*
BRENDAN JUDGE
STEPHEN A. URBAN
CHARLES J. HARRINGTON III*
STEPHEN V. FALANGA*
TRICIA O'REILLY*
ANTHONY F. VITIELLO**
MARC D. HAEFNER
JONATHAN P. MCHENRY
BRAD D. SHALIT*
M. TREVOR LYONS*
CRAIG S. DEMARESKI*
W. NEVINS MCCANN*
THOMAS J. O'LEARY*
MITCHELL W. TARASCHI
MICHAEL A. SHADIACK
OWEN C. MCCARTHY*
PATRICIA A. LEE**
AGNIESZKA ANTONIAN*
CHRISTOPHER J. TUCCI+
NEIL V. MODY*
STEVE BARNETT*
THOMAS M. SCUDERI*
JOSEPH M. MURPHY*
NANCY A. SKIDMORE*
CHRISTINE S. ORLANDO

*ALSO ADMITTED IN NEW YORK
+ALSO ADMITTED IN PENNSYLVANIA
-ONLY ADMITTED IN NEW YORK

PLEASE REPLY TO CHERRY HILL, NJ

Writer's Direct Dial: 856-317-7118
Writer's Email Address: mbaker@connellfoley.com

December 4, 2012

VIA ECF

The Honorable William J. Martini
Martin Luther King, Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: Montvale Surgical Center v. Horizon Blue Cross Blue Shield, et. al.
Docket No.: 12-2478 WJM(MF)

Dear Judge Martini:

Please be advised that this firm represents Horizon Blue Cross Blue Shield of New Jersey ("Horizon") in the above captioned matter. On or about May 17, 2012, Horizon filed a motion to dismiss this matter on the basis that it was not the proper party. Please allow this letter to serve as a follow up to the motion and to provide a subsequent exhibit in support of Horizon's motion to dismiss.

Attached you will find supplemental Exhibit "B." This exhibit is page 118 to the health benefit plan at issue in this matter. This page is from the "Glossary of Terms" of the health benefit plan and provides:

Employee Benefits Committee – The Company is the named fiduciary of the Choices Medical Benefits Program and this committee is responsible for establishing rules under which the Choices Medical Benefits Program is administered and for the transaction of business, including the review of second level claims appeals.

The Honorable William J. Martini
December 4, 2012
Page 2

As provided in Exhibit "A" of the motion, **"The Employee Benefits Committee has the exclusive right to interpret and administer the plan, and these decisions are conclusive and binding."** (emphasis in original).

Thank you for your courtesy and cooperation in this matter.

Very truly yours,

CONNELL FOLEY LLP

A handwritten signature in blue ink, appearing to read "Matthew A. Baker", is written over the printed name.

Matthew A. Baker

MAB
Enclosure(s)
Cc: All counsel (via ECF)